REMARKS

I.   The Claims:

In this response, no claims have been added, no claims have been amended, and no claims have been canceled. Accordingly, Claims 1-41 remain pending in the present application. Reconsideration of the above-identified patent application is hereby requested.

II.   Rejections under 35 U.S.C. § 103

The Examiner rejects Claims 1-41 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,933, 412 issued to Choudhury *et al.* (Choudhury) in view of U.S. Patent No. 5,719,870 issued to Baker *et al.* (Baker). Applicants respectfully traverse this rejection.

The Examiner bears the burden of supporting a *prima facie* conclusion of obviousness. To establish *prima facie* obviousness the Examiner must show: (1) suggestion or motivation, either in the references or to one skilled in the art, to modify the reference or combine the teachings; (2) a reasonable expectation of success; and (3) the combination of the prior art must teach or suggest all of the claim limitations. MPEP § 2142 *et seq.*; In re Vaech 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991). As will be shown below, the Examiner has failed to meet the burden of showing how the combination of prior art teaches all of the limitations recited in Applicants' claims. Applicants, therefore, request that the obviousness rejections to all claims be withdrawn.

With regard to Claim 1, the Examiner asserts that Choudhury discloses much of what Applicants recite in Claim 1. Choudhury generally teaches a method and apparatus for improving connection setup delay in a network by parallelizing in which virtual path connections and virtual connection routing tables are used to minimize the number of pre-established virtual

path connections needed. (Choudhury, col. 1, lines 53-58; col. 5, lines 27-45). As such, Applicants' method and apparatus for parallel trunking of interfaces to increase transfer bandwidth achieve a different goal by utilizing a different method and apparatus.

More specifically, the Examiner asserts that Choudhury discloses an associated identifier that identifies the connection between said first and second devices. However, Applicants claim recites emulating a single high speed interface with the plurality of interfaces by assigning to said plurality of interfaces an associated identifier that identifies the connection between said first and second devices. Choudhury neither teaches nor suggests emulating a single high speed interface with the plurality of interfaces by assigning to said plurality of interfaces an associated identifier that identifies the connection between said first and second devices. Assuming *arguendo* that Choudhury discloses an associated identifier that identifies the connection between said first and second devices, Choudhury fails to teach or suggest emulating a single high speed interface with the plurality of interfaces by assigning to said plurality of interfaces the associated identifier. Baker does not cure this deficiency.

In fact, the Examiner admits that Choudhury fails to teach emulating a single high speed interface with the plurality of interfaces by assigning to said plurality of interfaces an associated identifier that identifies the connection between said first and second devices. The Examiner then asserts because Baker teaches a single emulating multi–point bus or interface it would have been obvious to incorporate the single emulating high speed bus into Choudhury in order to enhance network control and management. However, Baker teaches emulating a plurality of central office station terminals over a single multi-point passive bus such that, to the switching office, each of the emulated central office stations appears as a central office station terminal, even though the plurality of central office stations are emulated over a single digital subscriber

line. (Baker, abstract and col. 1, lines 46-64). Stated another way, Baker teaches a method and apparatus for emulating two or more ISDN terminals over one digital subscriber line. More generally, Baker teaches emulating multiple terminals over one line. As such, **Baker teaches the converse of what is claimed by Applicants.** That is, applicants claim recites emulating a single high speed interface with the plurality of interfaces by assigning to said plurality of interfaces an associated identifier that identifies the connection between said first and second devices. Generally, Applicants' claims recite emulating one high speed interface by using many other interfaces, whereas Baker teaches emulating many terminals over one line. Therefore, Baker fails to teach or suggest emulating a single high speed interface with the plurality of interfaces by assigning to said plurality of interfaces an associated identifier that identifies the connection between said first and second devices.

The combination of Choudhury and Baker neither teaches nor suggests the limitations recited in Claim 1. As such, Claim 1 is not rendered obvious by the cited references. Claim 1 and all claims depending thereon are, therefore, patentable over the cited prior art.

With regard to Claims 5, the Examiner asserts that Baker discloses transmitting a first packet of data on only one of the plurality of interfaces, citing Baker col. 1, lines 45-65. However, Baker fails to teach or suggest this claim limitation. Choudhury does not cure this deficiency. As such, Claim 5 is not rendered obvious by the combination of cited references. In addition, Claim 5 is patentable by virtue of its dependency on Claim 1 which has been shown to be patentable above. Claim 5 and all claims depending thereon are, therefore, patentable over the cited prior art.

With regard to Claim 6, the Examiner asserts that Choudhury discloses assigning a first identifier to a first interface and a second interface at the first device, and identifying a path

between the first device to the second device with the first identifier, citing <u>Choudhury</u>, col. 3, line 59. However, <u>Choudhury</u> teaches that based on the address of a destination party, such as an end host indicated in the connection set up signaling request, a switch determines the next switch in the route by consulting a routing table which maps each destination address, such as the address of an end host, to a next switch identifier. (<u>Choudhury</u>, col. 3, lines 55-60). There is no teaching or suggestion in <u>Choudhury</u> of assigning a first identifier to a first interface and a second interface at the first device, and identifying a path between the first device to the second device with the first identifier. Even if *arguendo* <u>Choudhury</u> teaches identifying a path between the first device to the second device, <u>Choudhury</u> does not teaching achieving this by using a first identifier assigned to a first interface and a second interface at the first device. As such, <u>Choudhury</u> does not teach or suggest the limitations recited in Applicants' Claim 6. <u>Baker</u> fails to cure this deficiency. The combination of <u>Choudhury</u> and <u>Baker</u> neither teaches nor suggests the limitations recited in Claim 6. As such, Claim 6 is not rendered obvious by the cited references. Claim 6 and all claims depending thereon are, therefore, patentable over the cited prior art.

With regard to Claim 10, the Examiner asserts that <u>Choudhury</u> teaches that the first interface and the second interface connect to an Ethernet segment with a maximum data traffic rate of 10 Mbytes/sec and, thus that the data traffic on the first interface and the second interface is approximately the same. First, the Examiner direct Applicants to col. 18, line 30 for this teaching. However, no such information is disclosed at the cited location. Applicants request that the Examiner provide direction to where <u>Choudhury</u> teaches the first interface and the second interface connect to an Ethernet segment with a maximum data traffic rate of 10 Mbytes/sec. Even if *arguendo* <u>Choudhury</u> teaches the first interface and the second interface

connect to an Ethernet segment with a maximum data traffic rate of 10 Mbytes/sec., such a teaching cannot be equated with data traffic on the first interface and the second interface being approximately the same. Having two Ethernet segments with the same maximum throughput is not the same as having two interfaces through which the data traffic is approximately the same. Baker fails to cure this deficiency. The combination of Choudhury and Baker neither teaches nor suggests the limitations recited in Claim 10. As such, Claim 10 is not rendered obvious by the cited references. Claim 10 and all claims depending thereon are, therefore, patentable over the cited prior art.

With regard to Claims 14, 19, 24, and 32, the Examiner asserts that these claims are similar to Claim 1 and rejects these claims for the same reasons Claim 1 is rejected. To the extent there is any similarity between these claims and Claim 1, the arguments set forth above with regard to Claim 1 overcome the rejections to Claims 14, 19, 24 and 32. The combination of Choudhury and Baker neither teaches nor suggests the limitations recited in Claims 14, 19, 24, and 32. As such, Claims 14, 19, 24, and 32 are not rendered obvious by the cited references. Claims 14, 19, 24, and 32, and all claims depending thereon, are, therefore, patentable over the cited prior art.

With regard to Claims 15-18, the Examiner asserts that these claims are similar to Claims 2-5 and rejects these claims for the same reasons Claims 2-5 are rejected. To the extent there is any similarity between these claims and Claims 15-18, the arguments set forth above with regard to Claims 2-5 overcome the rejections to Claims 15-18. The combination of Choudhury and Baker neither teaches nor suggests the limitations recited in Claims 15-18. As such, Claims 15-18 are not rendered obvious by the cited references. Moreover, Claims 15-18 are patentable by

virtue of their dependency on Claim 14 which has been shown to be patentable. Claims 15-18 are, therefore, patentable over the cited prior art.

With regard to Claim 21, the Examiner asserts that <u>Choudhury</u> teaches the first device comprises a load balancing unit that allocates data to be transmitted on the first interface and the second interface such that data traffic on the first interface and the second interface is approximately the same. Although <u>Choudhury</u> does mention load balancing, it does so in a completing different context than as recited by Applicants. That is, <u>Choudhury</u> teaches load balancing among multiple connection servers to share the processing load associated with connection requests from the end units (<u>Choudhury</u>, col. 10, line 66 - col. 11, line 11), and not that the first device comprises a load balancing unit that allocates data to be transmitted on the first interface and the second interface such that data traffic on the first interface and the second interface is approximately the same. The load balancing in <u>Choudhury</u> is in the context of spreading work among multiple servers, while the load balancing recited by Applicants involves allocating data between the first interface and the second interface so that the data traffic is approximately the same. As such, <u>Choudhury</u> fails to teach or suggest the load balancing recited in Claim 21. <u>Baker</u> fails to cure this deficiency. The combination of <u>Choudhury</u> and <u>Baker</u> neither teaches nor suggests the limitations recited in Claim 21. As such, Claim 21 is not rendered obvious by the cited references. Claim 21 is, therefore, patentable over the cited prior art.

With regard to Claims 25-31, 33, 35-37, the Examiner asserts that these claims are similar to Claims 7-9 and 20-23, and rejects these claims for the same reasons Claims 7-9 and 20-23 are rejected. To the extent there is any similarity between Claims 7-9 and 20-23 and Claims 25-31, 33, 35-37, the arguments set forth above with regard to 7-9 and 20-23 overcome

the rejections to Claims 25-31, 33, 35-37. The combination of Choudhury and Baker neither teaches nor suggests the limitations recited in Claims 25-31, 33, 35-37. As such, Claims 25-31, 33, 35-37 are not rendered obvious by the cited references. Moreover, Claims 25-31, 33, 35-37 are patentable by virtue of their dependency on Claims 24 and 32 which has been shown to be patentable. Claims 25-31, 33, 35-37 are, therefore, patentable over the cited prior art.

With regard to Claim 34, the Examiner asserts that Choudhury discloses the trunking pseudo driver comprises an identification unit that assigns a first identifier to the first interface and the second interface that identifies a path between the first and the second device. However, at the location cited by the Examiner, Choudhury teaches using a multiplexing identification field to distinguish between multiple cells originating from different end hosts over one connection. (Choudhury, col. 15, line 55 – col. 14, line 4). Choudhury does not teach or suggest a trunking pseudo driver that comprises an identification unit that assigns a first identifier to the first interface and the second interface that identifies a path between the first and the second device. That is Choudhury teaches passing data from multiple end hosts over one connection while Applicants' claim recites assigning a first identifier that identifies a path between the first and the second device via the first interface and the second interface. Baker fails to cure this deficiency. The combination of Choudhury and Baker neither teaches nor suggests the limitations recited in Claim 34. As such, Claim 34 is not rendered obvious by the cited references. In addition, Claim 34 is patentable by virtue of its dependency on Claim 32 which has been shown to be patentable. Claim 34 and all claims depending thereon are, therefore, patentable over the cited prior art.

With regard to Claim 38, the Examiner asserts that Baker discloses emulating a single high speed interface with the plurality of interfaces. However, as discussed in more detail above

with regard to Claim 1, **Baker teaches the converse of what is claimed by Applicants.** That is, Baker teaches emulating a plurality of terminals over a single line while Applicants claim emulating a single high speed interface with the plurality of interfaces. Choudhury does not cure this deficiency. The combination of Choudhury and Baker neither teaches nor suggests the limitations recited in Claim 38. As such, Claim 38 is not rendered obvious by the cited references. Claim 38 and all claims depending thereon are, therefore, patentable over the cited prior art.

CONCLUSION

In view of the foregoing, it is believed that all claims now pending patentably define the subject invention over the prior art of record and are in condition for allowance; such action is earnestly solicited at the earliest possible date.

Respectfully submitted,

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